

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

: PRESENT:

THE HON'BLE MR JUSTICE: **N.V. RAMANA**

WRIT PETITION NO : 19531 of 2004

Between:

The Kanipakam Gram Panchayat Kanipakam (V), Irala Mandal,
Chittoor District rep. by its Sarpanch Sri R. Devarajulu Naidu S/o.D.
Seshadri Naidu.

..... Petitioner

AND

The Swayambhu Sri Varasiddi Vinayaka Swamy Temple
Kanipakam, Irala Mandal, Chittoor District rep. by its Executive Officer
and regional Joint Commissioner.

....Respondent

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing tender notification Rc.No.1337/2004 dt: 15-10-2004 to conduct auction for grant of licence to collect parking fee is arbitrary, illegal and consequently restrain the respondent from opening new cart stand within the Kanipakam Gram Panchayat limits;

Whereas the Court upon perusing the petition and the affidavit filed in support there of and the order of the High Court dated: 25-10-2004, 26-10-2004 & 09-11-2004 made herein and upon hearing the arguments of Mr. Dammalapati Srinivas, Advocate for the Petitioner and of Mr. V. Venugopala Rao, Advocate for the respondent, observed that the contention of the learned counsel for the petitioner-Gram Panchayat that the respondent issued tender Notification dated: 15-10-2004 inviting tenders for maintaining the parking lot and for collecting fees and he submits the petitioner-Gram Panchayat is providing sufficient parking space, good roads and is also providing drinking water to all the pilgrims visiting the temple;

Whereas on the other hand learned standing Counsel for the respondent-temple submits that in fact, the parking lot, which was put for auction is situated in a different village, namely, Punyasamudhram Village of Thavanampally Mandal, in an extent of Ac. 2.35 cents situated in Sy. No. 1/13 to 1/16, 1/16A and 2/2. Hence the petitioner-Gram panchayat has no *locus standi* to question the said auction

notification and he also denied providing of any of the facilities as contended by the learned counsel for the petitioner;

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And whereas for clarification of the aforesaid facts, the Court deems it appropriate to appoint an Advocate Commissioner and having obtained 'no objection' from the learned counsel appearing on either side appointed Mr. R. Chandra Reddy, Advocate, 143, Mehdipatnam, Hyderabad-500028 as Advocate Commissioner to inspect the subject place and submit a report regarding the issues mentioned below;

You viz:

Mr. R. Chandra Reddy, Advocate, 143, Mehdipatnam, Hyderabad-500028

are hereby appointed as Advocate Commissioner, you are directed to inspect the subject place and submit a report regarding the following issues;

1. Whether the location of the parking lot is situated within the petitioner-Grampanchayat limits?
2. Whether the said Grampanchayat is providing any facilities as stated by the learned counsel appearing on its behalf, namely, providing drinking water, laying roads, and providing lighting?

You are directed to submit your report within four weeks from the date of this order. You are informed that the learned counsel appearing on either side are directed to provide necessary arrangements for your inspection.

You are further informed that your fee for this purpose is fixed at Rs. 10,000/- (Rupees ten thousand only), which is inclusive of boarding, lodging etc to be borne by both the parties equally.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. Mr. R. Chandra Reddy, Advcoate, 141, Mehdipatnam, Hyderabad-500028. (BY SPECIAL MESSENGER with a copy

of petition and affidavit and counter affidavit also)
2. One spare copy.
Ksv

HIGH COURT

Ksv
Date of drafting: 23-12-2005

NVRJ

DATE: 14-12-2005

NOTE: LIST THE MATTER FOUR WEEKS

ORDER

WP. No. 19531 of 2004

**APPOINTMENT OF ADVOCATE
COMMISSIONER**